

Approved, SCAO

• **STATE OF MICHIGAN**
JUDICIAL DISTRICT
3rd **JUDICIAL CIRCUIT**

REQUEST AND WRIT FOR GARNISHMENT
(NONPERIODIC)

• **CASE NO.**

03-327602-CD

Court address

2 Woodward Avenue, Detroit MI 48226

• Zip code

Court telephone no.

Plaintiff name and address (judgment creditor)

KENNETH SCIOTTI

Plaintiff's attorney, bar no., and address

• SCOTT E COMBS P37554
• 27780 Novi Road, Suite 105
• Novi MI 48377

Telephone no.

248-380-5050

Defendant name and address (judgment debtor)

• 36TH DISTRICT COURT
Constance Allen Esq
421 Madison St #4109
Detroit MI 48226 (313) 965-3082

• Social security no.

Account no.

36th District Court

Garnishee name and address

ADP
16901 Michigan Ave
Dearborn MI 48126

REQUEST See instructions for item 2 on other side

1. Plaintiff received judgment against defendant for \$ 575,214.27 on 8/09/05 and 12/13/05.
 2. The total amount of judgment interest accrued to date is 187,710.00. The total amount of postjudgment costs accrued to date is 0.00. The total amount of postjudgment payments and credits made to date is 0.00. The amount of the unsatisfied judgment now due (including interest and costs) is • \$ 762,924.27.
 3. Plaintiff knows or with good reason believes that the garnishee is indebted to or possesses or controls property belonging to the defendant. For funding per statute of 36th Dist Ct by City of Detroit Finance Dept.,
 4. Plaintiff requests a writ of nonperiodic garnishment. Treasury Div., Central Disbursement Acct.
- I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT

To be completed by the court. See other side for additional information and instructions.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), 2 copies of this writ for serving on the garnishee, and \$1.00 disclosure fee. You are responsible for having these documents served on the garnishee within 91 days. If the disclosure states that the garnishee holds property **other than money** belonging to the defendant, you must motion the court within 56 days after the disclosure is filed for an order to apply the property toward the judgment.

TO THE DEFENDANT:

1. Do not dispose of any negotiable instrument representing a debt of the garnishee or any negotiable instrument of title representing property in which you claim an interest held in the possession or control of the garnishee.
2. You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment **28 days** after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

1. Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last known address by first-class mail.
2. Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
3. Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
4. If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2 of the request. Payment of withheld funds must be made **28 days** after you are served with this writ unless notified that an objection has been filed.

You are ordered to make the payment withheld under this writ payable to

and mail it to: ☐ the plaintiff ☒ the plaintiff's attorney.

☐ the court
☐ the court.

5. If you hold property other than money belonging to the defendant, do not transfer it until further order of the court.

Date of issue

Expiration date for service

Deputy court clerk

MC 13 (8a/07)

REQUEST AND WRIT FOR GARNISHMENT (NONPERIODIC)

MCL 600.4011 et seq., MCR 3.101

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*Does not include appellate costs, fees or interest.

PROOF OF SERVICE**REQUEST AND WRIT FOR
GARNISHMENT (NONPERIODIC)**

Case No. _____

TO PROCESS SERVER: You must serve the garnishee with 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee, and file proof of service with the court clerk as directed by the plaintiff. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

- ☐ I served 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee by:
☐ personal service ☐ registered or certified mail (copy of return receipt attached) on:

Garnishee name	Complete address of service	Day, date, time

- ☐ I have personally attempted to serve the writ of garnishment, a disclosure form, and the applicable fee on the garnishee and have been unable to complete service.

Garnishee name	Complete address of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee on

Day, date, time

Signature _____

on behalf of _____

MCR 2.105

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Plaintiff,

v

36TH DISTRICT COURT,

Defendant.

03-327602-CD 8/20/2003
JDG: ROBERT L ZIOLKOWSKI
SCIOTTI KEN
vs
36TH DISTRICT COURT

SCOTT E. COMBS (P37554)
Attorney for Plaintiff
27780 Novi Road, Suite 105
Novi, Michigan 48377-3427
(248) 380-5050

CONSTANCE J. ALLEN (P30752)
Attorney for Defendant
421 Madison Avenue, Suite 4109
Detroit, Michigan 48226-2358
(313) 965-3082

JUDGMENT

At a session of said Court held

ON: AUG 09 2005

HON: ROBERT L. ZIOLKOWSKI
Circuit Court Judge

The above-entitled lawsuit was tried before this Court to a jury verdict which was rendered on July 14, 2005.

Pursuant to the verdict, Judgment is entered as follows:

In favor of Ken Sciotti and against Defendant, 36th District Court for:

Economic damages to the present:	\$57,000.00
Economic damages in the future:	\$227,000.00
Non-economic damages to the present:	\$37,000.00
Non-economic damages in the future:	\$103,000.00

This Judgment confirms the verdict of the jury only. Defendant's Motion for JNOV and/or New Trial and Plaintiff's Motion for Post-Judgment Costs and Attorney Fees remain pending before the Court.

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

ROBERT L. ZIOLKOWSKI
CIRCUIT COURT JUDGE

BY [Signature] DEPUTY CLERK
Approved as to form only

SCOTT E. COMBS (P37554)
Attorney for Plaintiff

[Signature]
CONSTANCE J. ALLEN (P30752)
Attorney for Defendant

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Case No. 03 327602 NZ
HON. ROBERT ZIOLKOWSKI

Plaintiff,

-VS-

36TH DISTRICT COURT

Defendants.

SCOTT E. COMBS P37554
Attorney for Plaintiff
27780 Novi Road, Suite 105
Novi MI 48377
248/380-5050

CONSTANCE J ALLEN P30752
Attorney for Defendant 36th District Court
36th District Court
421 Madison Suite 4109
Detroit MI 48226
313/965-3082

ORDER RE JUDGMENT FOR STATUTORY COSTS AND ATTORNEY FEES

At a session of said Court, held

ON: DEC 13 2005

BEFORE: PAUL S. TERANES
CIRCUIT COURT JUDGE

Pursuant to plaintiff's motion for statutory costs and attorney fees under the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2802, and after argument, testimony and evidence being presented at motion hearing and an evidentiary hearing before this Honorable Court;

IT IS HEREBY ORDERED that Plaintiff's request for statutory costs and attorney fees under the ELCRA is hereby granted, and an award of costs, being \$2,439.27, and attorney fees in the amount of

\$148,775, totaling \$151,214.27

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

PAUL S. TERANES

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BY 181300
DEPUTY CLERK

Judge ROBERT L. ZIOLKOWSKI

Automatic Data Processing, Inc.
Corporate Headquarters
One ADP Boulevard
Roseland, New Jersey 07068-1728



Legal Department
Writer's Direct Dia. Number
(973) 974-5291-Phone
(973) 974-3399-Fax

January 22, 2009

Via Federal Express

Clerk
3rd Judicial Circuit
2 Woodward Avenue
Detroit, MI 48226

Re: Request and Writ for Garnishment dated January 9, 2009
Kenneth Sciotti v. 36th District Court
Case No. 03-327602-CD

Dear Sir/Madam:

Enclosed please find executed Garnishee Disclosure submitted by ADP, Inc. ("ADP") in connection with the above-captioned matter.

Please be advised that by holding the tax monies described in the Garnishee Disclosure on behalf of City of Detroit (ADP Company Codes U1B and K3E), the City of Detroit may incur interest and penalties for late tax filing. ADP will not be liable for any penalties or interest assessed by the taxing authorities resulting from its complying with the above-captioned Garnishment.

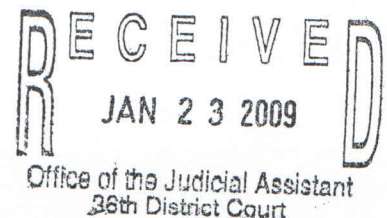
Please contact me if you have any questions.

Very truly yours,

Alice Quinn
Alice Quinn
Senior Legal Assistant

Enclosures

cc: Scott E. Combs, Esq. (w/encls.) (Via Fax & Federal Express)
Constance Allen, Esq. (w/encls.) Via Fax & Federal Express)



Approved: SCAO

Original - Court
1st copy - Plaintiff
2nd copy - Garnishee
3rd copy - Defendant

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

GARNISHEE DISCLOSURE

CASE NO.

3rd

03-327602 CD

Court address

Court telephone no.

2 Woodward Avenue, Detroit, MI 48226

Plaintiff's name, address, and telephone no. (judgment creditor)

Kenneth Sciotti

Defendant's name, address, and telephone no. (judgment debtor)

36th District Court (413)
16 Clarence Allen
421 Madison Street, 4109
Detroit, MI 48226

Plaintiff's attorney, bar no., address, and telephone no.

Scott E. Combs (248)
27780 Novi Road 380-5050
Novi, MI 48377

Garnishee's name and address

ADP, Inc.
1601 Michigan Ave
Dearborn, MI 48126

SEE INSTRUCTIONS ON OTHER SIDE

1. This disclosure is for a writ of garnishment issued on 1-9-2009 and received by garnishee on 1-9-2009.
☒ a. The garnishee mailed or delivered a copy of the writ of garnishment to the defendant on 1-14-2009.
☐ b. The garnishee was unable to mail or deliver a copy of the writ of garnishment to the defendant.

2. At the time of service of the writ, the garnishee:

Nonperiodic Garnishments

- ☒ a. is not indebted to the defendant ADP is in possession of payroll for monies. See attachment
Reason: ADP is in possession of payroll for monies. See attachment

- ☐ b. is indebted to defendant from periodic payments as follows:

Description of property, money, negotiable instruments, etc. under garnishee's control Type of account and account number if applicable
The amount to be withheld is \$ _____ and does not exceed the amount stated in item 2 of the writ.

- ☐ c. Withholding is exempt because _____

Periodic Garnishments

- ☐ d. is not obligated to make periodic payments to the defendant during the 91-day period.

Reason: ☐ not employed. ☐ other _____

- ☐ e. is obligated to make periodic payments to the defendant during the 91-day period as follows.

Payments are for ☐ earnings. ☐ non-earnings _____

Specify nature of payments (See instructions on back)

Payments are made ☐ weekly. ☐ biweekly. ☐ semi-monthly. ☐ monthly. ☐ other _____

Frequency of payment

A higher priority writ/order ☐ is ☐ is not currently in effect. (If a higher priority writ/order is in effect, complete the following)

Name of court that issued higher priority writ/order

Case number

Date issued

Date served

Withholding under this writ

☐ will begin immediately if sufficient funds are available.

☐ will not begin immediately because defendant is ☐ laid off. ☐ sick. ☐ on leave. ☐ other _____

Specify

I declare that the statements above are true to the best of my information, knowledge, and belief.

1-22-2009

Date

Dusan L. M. Indje
Garnishee/Agent/Attorney signature

I certify that:

on 1-22-2009

I mailed or personally delivered a copy of this disclosure to the court.

on 1-22-2009

I mailed or personally delivered a copy of this disclosure to the plaintiff/attorney.

on 1-22-2009

I mailed or personally delivered a copy of this disclosure to the defendant.

1-22-2009

Date

Alii Quinn
Garnishee/Agent/Attorney signature

DO NOT INCREASE YOUR PAYMENTS WITH THE DEBTOR'S NEW MAILING ADDRESS. MAIL TO THE COURT.

MC 14 (303) GARNISHEE DISCLOSURE

13 USC 1672, 15 USC 1673, MCR 3.101

RECEIVED
JAN 23 2009

City of Detroit (ADP Company Code U1B)

ADP is holding:

State Income Tax monies of \$499.32

\$217.87 Detroit local

\$34.55 Detroit alternate local

State Income Tax is due to be deposited on 2/18/2009

Detroit local and Detroit alternate are due to be deposited on 2/20/2009

City of Detroit (ADP Company Code K3E)

ADP is holding:

State Income Tax monies \$61,595.19

\$27,154.20 Detroit local

\$6,341.69 Detroit alternate local

\$32.70 Highland local

State Income Tax is due to be deposited on 2/18/2009

Detroit local, Detroit alternate and Highland local is due to be deposited on 2/20/2009

RECEIVED
JAN 23 2009

Office of the Judicial Assistant
36th District Court

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

GARNISHEE DISCLOSURE

CASE NO. 03-327602 CD

3rd Court address 2 Woodward Avenue, Detroit, MI 48226

Plaintiff's name, address, and telephone no. (judgment creditor) Kenneth Sciotti

Plaintiff's attorney, bar no., address, and telephone no. (248) Scott E. Combs 370-5050 27780 Novi Road Novi, MI 48377

Defendant's name, address, and telephone no. (judgment debtor) 36th District Court 16 Constance Allen # 4109 421 Madison Street, Detroit, MI 48226

Garnishee's name and address ADP, Inc. 16401 Michigan Ave Dearborn, MI 48126

SEE INSTRUCTIONS ON OTHER SIDE

1. This disclosure is for a writ of garnishment issued on 1-9-2009 and received by garnishee on 1-9-2009.

☒ a. The garnishee mailed or delivered a copy of the writ of garnishment to the defendant on 1-14-2009.

☐ b. The garnishee was unable to mail or deliver a copy of the writ of garnishment to the defendant.

2. At the time of service of the writ, the garnishee:

Nonperiodic Garnishments

☒ a. is not indebted to the defendant in any amount and does not possess or control the defendant's property, money, etc.

Reason: ADP is in possession of payroll for monies see attachment

☐ b. is indebted to defendant for nonperiodic payments as follows:

Description of property, money, negotiable instruments, etc. under garnishee's control: _____ Type of account and account number if applicable: _____

The amount to be withheld is \$ _____ and does not exceed the amount stated in item 2 of the writ.

☐ c. Withholding is exempt because:

Periodic Garnishments

☐ d. is not obligated to make periodic payments to the defendant during the 91-day period.

Reason: ☐ not employed. ☐ other _____

☐ e. is obligated to make periodic payments to the defendant during the 91-day period as follows.

Payments are for ☐ earnings. ☐ nonearnings _____

Payments are made ☐ weekly. ☐ biweekly. ☐ semi-monthly. ☐ monthly. ☐ other _____

A higher priority writ/order ☐ is ☐ is not currently in effect. (If a higher priority writ/order is in effect, complete the following.)

Name of court that issued higher priority writ/order _____ Case number _____ Date issued _____ Date served _____

Withholding under this writ

☐ will begin immediately if sufficient funds are available.

☐ will not begin immediately because defendant is ☐ laid off. ☐ sick. ☐ on leave. ☐ other _____

I declare that the statements above are true to the best of my information, knowledge, and belief.

1-22-2009

Date

I certify that:

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the court.

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the plaintiff/attorney.

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the defendant.

1-22-2009

Date

RECEIVED

JAN 23 2009

Office of the Judicial Assistant
36th District Court

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Plaintiff,

v

36TH DISTRICT COURT,

Defendants.

03-327602-CD 8/20/2003

JDG: ROBERT L ZIOLKOWSKI

SCIOTTI KEN

VS

||||| ||||| ||||| ||||| |||||

36TH DISTRICT COURT

**Order RE: Defendant's Motion to Quash Writs, For Sanctions
And Enjoin Further Collection Actions**

At session of said Court held in the
CAYMC, In The County of Wayne,
City of Detroit, State of Michigan

ON: _____

FEB 12 2009

PRESENT: _____

ROBERT L. ZIOLKOWSKI

This matter having come before the Court on Plaintiff's Motion to Quash Writs,
for Sanctions and to Enjoin Further Collection Actions and the parties having appeared
before the Court on January 30, 2009,

IT IS HEREBY ORDERED THAT:

1. The Writs of Garnishment previously issued to ADP, Comerica and the City
Finance Department are hereby quashed as of January 30, 2009.
2. The subpoena to Thomas Clark for a creditor's examination is quashed.

3. The Court denies the request for sanctions.

4. The request for injunctive relief is denied at this time.

Date: _____

ROBERT L. ZIOLKOWSKI
Honorable Robert L. Ziolkowski
Circuit Judge

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

BY [Signature] DEPUTY CLERK